**S.B. Civil Writ Petition NO.2897/2003**
**Sadule Khan**
**vs**
**State of Rajasthan & Ors.**

**DATE OF ORDER** : - 29.3.2005

**HON'BLE MR. PRAKASH TATIA,J.**

Mr.N.L.Joshi, for the petitioner.
Mr. L.R.Upadhayay, Dy.GA, for the respondents.

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Heard learned counsel for the parties.

The question involved in this writ petition is that whether the petitioner's construction is old one and whether there is substance in the allegation that the petitioner encroached upon the land.

These questions can be well decided only by the civil court and since the learned District Collector in its order dated 22nd May, 2003 recorded the finding against the petitioner, which is being questioned by the petitioner, which will require investigation of the factual aspect, this court is not inclined to go into all those facts, which require evidence to prove.

In view of the above, the writ petition of the petitioner deserves to be dismissed only on the ground of involvement of disputed questions of facts. However, the petitioner shall be free to protect his property

by filing civil suit where the court may examine all the factual aspects of the matter and may pass appropriate order uninfluenced by the impugned orders, but after taking into all the documents, which may be placed by all the parties.

In view of the above, the writ petition of the petitioner is dismissed having no merit.

**(Prakash Tatia), J.**

c.p.goyal/-